

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RIGONALDO DIAZ-CHIXNA,

Defendant.

CR 21–38–BU–DLC

ORDER OF CLARIFICATION

The Court has issued an amended judgment in the above-captioned matter, altering the term of imprisonment from 2 months (adjusted from 8 months pursuant to U.S.S.G. § 5G1.3(b)), to 8 months, with no adjustment. This Order clarifies why this was done.

On June 3, 2022, the Court was contacted by the Bureau of Prisons to obtain clarification regarding the Court’s intent when imposing judgment on June 2, 2022. (*See* Doc. 29.) As discussed with the parties during the sentencing hearing, it was the Court’s intent to sentence the Defendant to 8 months imprisonment, with around 6 months of credit being afforded to the Defendant for time already served that would not be credited against the Court’s sentence. (*Id.* at 2.) This would result in an actual term of imprisonment of 2 months. (*Id.*)

The Bureau of Prisons has notified this Court that the Defendant *will be*

afforded credit against this Court's sentence for the approximate 6 months he spent in pre-trial custody, because he was not brought into federal custody pursuant to a writ. As such, under the Court's original judgment, the sentence imposed was ineffectual, resulting in a term of imprisonment of -4 months. Consequently, the Court has issued an amended judgment imposing a term of imprisonment of 8 months. The Bureau of Prisons has assured the Court that the Defendant will receive credit against this sentence for time served, resulting in the Defendant's release from imprisonment in as soon as 2 weeks.

DATED this 3rd day of June, 2022.



Dana L. Christensen, District Judge
United States District Court